

## **REMARKS**

In the Office Action, the Examiner rejected claims 1-13, 15-20, and 28-35. By this paper, Applicants amended claim 15, cancelled claim 2-13, 16-20, 32, and 34-35, and added new claims 36-42 to clarify features of the present techniques. These amendments do not add any new matter. Cited passages of the specification in support of the new claims are provided below. Upon entry of these amendments, claims 1, 15, 28-31, 33, and 36-42 will be pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

### **Claim Rejections under 35 U.S.C. § 103(a)**

In the Office Action, the Examiner rejected claims 1-13, 15-20 and 28-35 under U.S.C. § 103(a) as being unpatentable over Kendrick et al. (U.S. Patent No. 6,204,344) in view of Hanson (U.S. Patent No. 4,424,341). Applicants respectfully traverse this rejection. As explained below, the *Kendrick* reference is not prior art with regard to the present claims, which have an earlier effective filing date than the Kendrick reference. Therefore, the present rejection, which is based on a combination of the *Kendrick* and Hanson '892 references, should be withdrawn, and the instant claims allowed.

### ***All Present Claims are Supported by Parent***

The subject matter of all claims in the present application is fully supported by the specification of a parent (Hottovy, U.S. Patent No. 6,239,235, filing date July 15, 1997) of the present application. Initially, Applicants note that this parent (Hottovy) incorporates by reference Hanson (U.S. Patent No. 5,597,892) which can support present claims. *See* 37 C.F.R.

§ 1.57(f); Hottovy, col. 4, lines 51-54. Again, all present claims are supported by the parent. See, e.g., Hottovy, col. 2, lines 11-14 and 60-67; col. 3, lines 7-9 and 40-59; col. 4, lines 32-36; col. 5, lines 6-11; Hanson '341, col. 3, lines 15-28; col. 4, lines 9-12. No present claims require support from information added in the present continuation-in-part filed October 31, 2003. Therefore, all present claims have an effective filing date of the parent Hottovy, which is July 15, 1997, and, thus, earlier than the apparent effective date of Kendrick.

### ***Kendrick is Nor Prior Art***

Based on the face of the Kendrick reference (U.S. Patent No. 6,204,344), the Kendrick filing date is May 18, 1999, and the apparent priority date is March 19, 1999. Consequently, the cited Kendrick patent (6,204,344) is not prior art with regard to the present claims, which have an effective filing date of July 15, 1997. Thus, again, the current rejection should be withdrawn and all present claims allowed.

### ***Request Evidence to Support Official Notice***

Further, Applicants respectfully assert that claimed features (e.g., percent of vapor separated, percent of solids separated, etc.) with regard to present embodiments of the cyclonic system and its operation are *not* within the generic disclosure of the prior art, as incorrectly asserted by the Examiner. See Office Action, page 3. Indeed, the present claims recite unique features not found in the prior art at least with regard to the cyclonic processing of the polymer slurry discharged from the reactor. The Examiner asserted that features recited in the present claim features are a “generic disclosure of the prior art,” “result effective variables,” or are “simply known as conventional,” and so on. See Office Action, pages 3-4. Thus, the Examiner

has essentially taken Official Notice of facts outside of the record that the Examiner apparently believes are capable of demonstration as being “well-known” in the art. *See id.* To the contrary, Applicants emphasize that the subjected matter of the present claims is not of a “notorious character” and are clearly not “capable of such instant and unquestionable demonstration as to defy dispute.” *See* M.P.E.P. § 2144.03.

Therefore, in accordance with M.P.E.P. § 2144.03, Applicants hereby seasonably traverse and challenge the Examiner’s use of Official Notice. Specifically, Applicants respectfully request that the Examiner produce evidence in support of the Examiner’s position as soon as practicable during prosecution and that the Examiner add a reference to the rejection in the next Official Action. If the Examiner finds such a reference and applies it in combination with the presently cited references, Applicants further request that the Examiner specifically identify the portion of the newly cited reference that discloses the allegedly “well known” elements of the instant claim, as discussed above, or withdraw the rejection.

### **New Claims**

As indicated, Applicants added new claims 36-42, of which claim 37 is independent. The new claims are generally directed to continuous withdrawal, pressure control, increasing solids concentration in the discharge slurry, separating vapor from the heated discharge slurry in a separator, and so forth. Applicants believe that all new claims are in condition for allowance.

**Conclusion**

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: June 19, 2006



\_\_\_\_\_  
Michael G. Fletcher  
Reg. No. 32,777  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545